

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

ALICIA D.¹,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

Case No. 3:20-CV-1222-SB

ORDER

Michael H. Simon, District Judge.

U.S. Magistrate Judge Stacie F. Beckerman issued Findings and Recommendation in this case on March 3, 2022. ECF 30. Judge Beckerman recommended that the Court reverse the Commissioner's decision and remand the case for further proceedings consistent with that opinion. No party has filed an objection.

Under the Federal Magistrates Act ("Act"), the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C.

¹ In the interest of privacy, this Order uses only the first name and the initial of the last name of the non-governmental party in this case.

§ 636(b)(1). If a party files an objection to a magistrate judge's findings and recommendations, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3).

Although review is not required in the absence of objections, the Act "does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard." *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that "[w]hen no timely objection is filed," the court review the magistrate judge's findings and recommendations for "clear error on the face of the record."

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Magistrate Judge Beckerman's Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court ADOPTS Magistrate Judge Beckerman's Findings and Recommendation, ECF 30. The Court REVERSES the Commissioner's decision and REMANDS the case for further proceedings consistent with Judge Beckerman's opinion.

IT IS SO ORDERED.

DATED this 25th day of March, 2022.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge